



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 24 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard J. Weiland, President
Mid City Foundry Company
1521 West Bruce Street
Milwaukee, Wisconsin 53204

Dear Mr. Weiland:

This is to advise you that the U.S. Environmental Protection Agency ("EPA") has determined that Mid City Foundry Company, located at 1521 West Bruce Street, Milwaukee, Wisconsin ("Mid City" or "facility") is in violation of the Clean Air Act (the "Act") and associated federal pollution control requirements. A list of the requirements violated is provided in the attached Finding of Violation ("FOV"). We are today issuing to you an FOV for these violations.

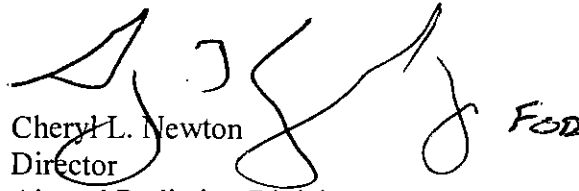
Section 111 of the Act requires EPA to implement the New Source Performance Standards ("NSPS") program. The NSPS regulations are nationally uniform emission standards for new or modified stationary sources falling within industrial categories that significantly contribute to air pollution. Mid City is subject to the requirements, and in violation, of the Standards of Performance for Calciners and Dryers in Mineral Industries at 40 C.F.R. Part 60, Subpart UUU ("Subpart UUU").

Section 113 of the Act, 42 U.S.C. § 7413, gives EPA several enforcement options to resolve these violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a civil judicial action, and bringing a criminal action.

A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

EPA's contact in this matter is Reza Bagherian. If you wish to request a conference, you may call him at (312) 886-0674. EPA hopes this FOV will encourage Mid City's compliance with the requirements of the Act.

Sincerely,


Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Bill Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St., PO Box 7921 (AM/7)
Madison, WI 53702

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Mid City Foundry Company
1521 West Bruce Street
Milwaukee, Wisconsin 53204**

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)
) **Proceedings Pursuant to Section 113(a)(3)
of the Clean Air Act, 42 U.S.C. §7413(a)(3)**
)
)
) **EPA-5-11-WI-02**
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)

FINDING OF VIOLATION

The U.S. Environmental Protection Agency ("EPA") is issuing this Finding of Violation ("FOV") to Mid City Foundry Company ("Mid City" or "facility") under Section 113(a)(3) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(3). EPA finds that Mid City is in violation of the Act, 42 U.S.C. §§ 7401 *et seq.*, and the Standards of Performance for Calciners and Dryers in Mineral Industries, 40 C.F.R. § 60.730 *et seq.*, at its facility located at 1521 West Bruce Street, Milwaukee, Wisconsin, as follows:

STATUTORY AND REGULATORY BACKGROUND

New Source Performance Standards

1. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards ("NSPS") General Provisions, at 40 C.F.R. Part 60, Subpart A, and the Standards of Performance for Calciners and Dryers in Mineral Industries, at 40 C.F.R. Part 60, Subpart UUU ("Subpart UUU"). 57 Fed. Reg. 44503 (September 28, 1992).
2. 40 C.F.R. § 60.1 provides that 40 C.F.R. Part 60 applies to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in Part 60 of any standard applicable to that facility.
3. 40 C.F.R. § 60.2 defines an "affected facility" to be, with reference to a stationary source, any apparatus to which a standard is applicable.
4. 40 C.F.R. § 60.8(a) requires the owner or operator of any stationary source which contains an affected facility to conduct performance tests and furnish EPA a written report of the results within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility.

5. 40 C.F.R. § 60.730(a) states the affected facility to which Subpart UUU applies is each calciner and dryer at a mineral processing plant.
6. 40 C.F.R. § 60.730(c) states the owner or operator of any facility under § 60.730(a) that commences construction, modification, or reconstruction after April 23, 1986, is subject to the requirements of Subpart UUU.
7. 40 C.F.R. § 60.731 defines a “calciner” as the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating.
8. 40 C.F.R. § 60.731 defines a “mineral processing plant” as any facility that processes or produces any of the following minerals, their concentrates or any mixture of which the majority (>50 percent) is any of the following minerals or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, fuller’s earth, gypsum, industrial sand, kaolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.
9. 40 C.F.R. § 60.731 defines a “control device” as the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities.
10. 40 C.F.R. § 60.732 states each owner or operator of an affected facility that is subject to the requirements of Subpart UUU shall comply with the emission limits set forth in § 60.732, on and after the date on which the initial performance test required by § 60.8 is completed, but not later than 180 days after the initial startup, whichever date comes first. Section 60.732 further states no emissions shall be discharged from any affected facility that contains particulate matter in excess of 0.092 g/dscm (0.040 gr/dscf) for calciners, and exhibits greater than 10 percent opacity.
11. 40 C.F.R. § 60.734 requires the owner or operator of an affected facility subject to the provisions of Subpart UUU who uses a dry control device to comply with the mass emission standard to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the control device.
12. 40 C.F.R. § 60.735 states records of the measurements required in § 60.734 shall be retained for at least 2 years, and each owner or operator shall submit written reports semiannually of exceedances of control device operating parameters required to be monitored by § 60.734. For the purpose of these reports, exceedances are defined as 6-minute periods during which the average opacity from the dry control device is greater than 10 percent.
13. 40 C.F.R. § 60.736(b)(1) provides that Method 5 shall be used to determine the concentration of particulate matter, and that the sampling time and volume for each test run shall be at least 2 hours and 1.70 dry standard cubic meter (“dscm”).

14. 40 C.F.R. § 60.736(b)(2) provides that Method 9 and the procedures and practices set forth in § 60.11 shall be used to determine opacity from stack emissions.

FACTUAL BACKGROUND

15. Mid City owns or operates a gray and ductile foundry which includes a mineral processing plant with a calciner located in Milwaukee, Wisconsin.
16. Mid City installed and began operation of the calciner at the facility in 1995.
17. On August 23-24, 2010, EPA inspected the Mid City facility including the calciner located there. The calciner had a dry control device attached to it, but did not have a continuous monitoring system to measure and record opacity of emissions discharged into the atmosphere.
18. During the EPA inspection conducted on August 24, 2010, the EPA inspector requested Mid City provide records of opacity of emissions discharged into the atmosphere from the dry control device attached to the calciner. Mid City had no such records.
19. As of August 24, 2010, Mid City had not conducted a performance test of the calciner.

VIOLATIONS

20. Mid City failed to comply with the requirements of 40 C.F.R. §§ 60.8(a) because the company did not conduct a performance test on its calciner within 180 days of the initial startup.
21. Mid City failed to show compliance with the emission limits set forth in 40 C.F.R. § 60.732 within 180 days after the initial startup of the calciner. As of the date of this FOV, Mid City has not shown compliance with the emission limits set forth in § 60.732.
22. Mid City failed to comply with the emission test method and procedures for determining the concentration of particulate matter from the dry control device attached to the calciner as set forth in 40 C.F.R. § 60.736(b)(1), which provides that Method 5 shall be used to determine the concentration of particulate matter, and that the sampling time and volume for each test run shall be at least 2 hours and 1.70 dry standard cubic meter ("dscm").
23. Mid City failed to comply with the requirements of 40 C.F.R. § 60.736(b)(2), which provides that Method 9 and the procedures and practices set forth in § 60.11 shall be used to determine opacity from stack emissions.
24. Mid City violated 40 C.F.R. § 60.734 by failing to install, calibrate, maintain, and operate a continuous monitoring system to measure and record the opacity of emissions discharged into the atmosphere from the dry control device attached to the calciner.

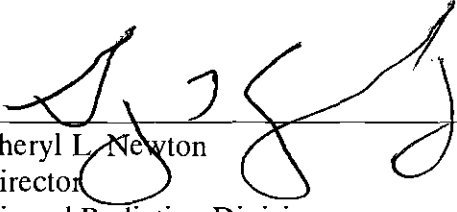
25. Mid City violated 40 C.F.R. § 60.735(a) by failing to retain records of the measurements required in § 60.734 for at least 2 years.

ENFORCEMENT AUTHORITY

26. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides that at any time after the expiration of 30 days following the date of the issuance of a Finding of Violation, the Administrator may issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.
27. Section 113(b) of the Act, 42 U.S.C. § 7413(b), authorizes the Administrator to initiate judicial enforcement action for a permanent or temporary injunction, and/or for a civil penalty of up to \$25,000 per day for each violation occurring on or before January 30, 1997; up to \$27,500 per day for each such violation occurring on or after January 31, 1997, and up to and including March 15, 2004; up to \$32,500 per day for each such violation occurring on or after March 16, 2004, through January 12, 2009; and up to \$37,500 per day for each such violation occurring on or after January 13, 2009, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, 40 C.F.R. § 19.4, and 74 Fed. Reg. 626 (Jan. 7, 2009) against any person whenever such person has violated, or is in violation of, *inter alia*, the requirements or prohibitions described in the preceding paragraph.

Date

6/24/11


Cheryl L. Newton
Director
Air and Radiation Division

FOD

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, Docket Number EPA-5-11-WI-02, by Certified Mail, Return Receipt Requested, to:

Richard J. Weiland, President
Mid City Foundry Company
1521 West Bruce Street
Milwaukee, Wisconsin 53204

I also certify that I sent copy of the Finding of Violation, Docket Number EPA-5-11-WI-02, by first-class mail to:

Bill Baumann, Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster St., PO Box 7921 (AM/7)
Madison, WI 53702

on the 27th day of JUNE 2011.



Betty Williams
Administrative Program Assistant
AECAB/AECAS/PAS

Certified Mail Receipt Number: 70091680 0000 7666 6312